



CANNON BUILDING  
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STATE OF DELAWARE  
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	<b>BOARD OF DENTISTRY &amp; DENTAL HYGIENE</b>
DATE AND TIME:	<b>Thursday, June 19, 2014 at 3:00 p.m.</b>
PLACE:	<b>Cannon Building, Second-Floor Conference Room A 861 Silver Lake Boulevard, Dover, DE 19904</b>
APPROVED:	<b>August 21, 2014</b>

#### **MEMBERS PRESENT**

John Lenz, DDS, Professional Member, President  
Lucinda Bunting, DMD, Professional Member  
Brian McAllister, DDS, Professional Member, Secretary  
Sharon Welsh, DDS, Professional Member  
Carol Argo, RDH, Professional Hygiene Member  
Nathaniel Gibbs, Public Member (arrived 3:50pm)  
June Ewing, Public Member  
Debra Bruhl, RDH, Hygiene Advisory Member  
Mary Trinkle, RDH, Hygiene Advisory Member

#### **MEMBERS ABSENT**

Buffy Parker, RDH, Hygiene Advisory Member  
Thomas A. Mercer, DMD, Professional Member

#### **DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Flora Peer, Administrative Specialist II  
Meaghan Jerman, Administrative Specialist II  
Jennifer Singh, Deputy Attorney General

#### **PUBLIC PRESENT**

Joseph a. Napoli, MD, DDS  
Kyle Green  
Helen Pugh  
Lyndsey Rogers  
Marisol Hernandez Raya  
Alexandria Furtak  
Andrea Koppel  
Jaci Sheets  
Queenie Tecson  
Amber Curry  
Lauren Yerks  
Gregory McClure, DMD  
Melanie Scholz  
Corrina Getchell  
Ray Petrunich, DDS

### **CALL TO ORDER**

Dr. Lenz called the meeting to order at 3:10 p.m.

### **Exam Score Reporting**

The examiners read aloud their scores of the dental and dental hygiene examinations. Ms. Peer calculated an average score for each candidate and read the final score aloud. The final dental exam results were as follows: 7 passed and 2 failed. The final dental hygiene exam results were as follows: 20 passed exam and 2 failed.

### **REVIEW AND APPROVAL OF MINUTES**

The Board reviewed the minutes of the May 15, 2014 Board meeting. Dr. McAllister made a motion, seconded by Dr. Welsh, to approve the minutes as presented. By unanimous vote, the motion carried.

### **UNFINISHED BUSINESS**

#### **Update on HB 47, HB 144, and SB 140 – Corinna Getchell**

Ms. Getchell stated she and Dr. Petrunich had made updates to the accreditation process and it was nearly completed. Dr. Lenz questioned Ms. Getchell if the Department of Public Health would be ready to approve the anesthesia advisory committees' evaluation of the facilities. He also inquired as to whether or not Dr. Petrunich would operate as an individual entity and was told he would not. It was explained that if he operated independently he wouldn't have the backing of the Board. His inspections would come before the Board for review, the Board permit would then act as DPH accreditation. Ms. Singh stated it was not the Board's jurisdiction to oversee the Department of Public Health's regulations.

Dr. Petrunich stated that he would execute inspections based on specified criteria then the facility would be presented to the Board for approval. Dr. Petrunich explained how inspections had been done for practitioners with multiple sites. Now, sites would be evaluated separately and only one accreditation would be given to cover all sites. Dr. Petrunich stated he had five commitments from people requesting inspections of approximately 50 to 60 sites. Dr. Welsh questioned Dr. Petrunich what criteria he would use during inspections. Dr. Petrunich stated that in the past inspections were anesthesia based and now inspections would be focused half on infection control and half on anesthesia control.

Ms. Getchell stated that all facilities must register by August 11, 2014 and all sites must be inspected by Feb 11, 2015. If any site did not pass inspection it could be approved with a plan of action for meeting the criteria. Dr. McAllister questioned if all of the inspections could be completed by the deadline. Dr. Petrunich stated that he was confident that all inspections would be completed by the deadline. Dr. Lenz questioned Dr. Petrunich if other dentists would assist him with inspections. Dr. Petrunich stated that he had spoken with Dr. Subach, Dr. Kramer, and Dr. Lippman about assisting him.

The Board questioned Ms. Getchell with regard to the reaccreditation of facilities. Ms. Getchell said that reaccreditation would follow the guidelines of other accrediting organizations which has been every three years. Dr. Petrunich stated that the schedule of AMS was 5 years, which is what he had been following. He further stated that the Anesthesia Evaluation Manual also followed a five year schedule. Ms. Singh stated that statutory and regulatory notice was needed and that it did not appear in the

Board's statute or regulations. Ms. Singh stated that the Board would be accrediting a facility, which was not the Board's purpose. She stated that this may blur the lines between the Division and the Department of Public Health. Ms. Getchell questioned if the Board would continue with the inspections, or not allow the inspections for accreditation.

The Board discussed the potential cost of the inspections and any hardships it would provide; such as, the potential to lose dentists that provided important services to the public. They also discussed whether or not the accrediting would fall under the Board's purview.

Dr. McAllister questioned if the change was made now could it be reversed at a later date. Ms. Singh stated that the Board could make the change in the future or simply eliminate the regulation of facilities from the Board's regulations.

Ms. Singh stated she had concerns that accreditation may be problematic for the Board to regulate the inspections of the facilities; however, on the other hand the cost of the accreditation could be too great if outside facilities charged excessive fees. After discussion, Dr. McAllister made a motion, seconded by Ms. Ewing, to approve the Anesthesia Advisory Committee to continue inspection of sites at this time, and to re-evaluate the process in one year, with the Board continuing to accredit offices. By unanimous vote, the motion carried. Ms. Singh stated that she would review the process and follow up with the Department of Public Health.

#### **NEW BUSINESS**

#### **RATIFICATION OF LICENSES/PERMITS ISSUED BY DPR SINCE LAST BOARD MEETING**

Dentists - None

#### Dental Hygienists

Dr. McAllister made a motion, seconded by Dr. Bunting, to ratify the dental hygiene licensure of:

Amanda L. Machuzak

By unanimous vote, the motion carried.

Restricted Permit I – None

Restricted Permit II – None

Unrestricted Permit – None

#### Dentist Limited Resident

Dr. McAllister made a motion, seconded by Dr. Welsh, to ratify the Dental Limited Licensure of:

Candace L. Gaull

Edward B. Bayley

Riti D. Trivedi

Eric Chai

Joshua A. Bryan

Kaitlyn E. Lotti

By unanimous vote, the motion carried.

#### Discussion of Preceptorship Reciprocity Applicants

The discussion was tabled due to Ms. Parker's absence.

Review of Applications for Licensure –

Academic License

Lance Kisby

Dr. Lenz reviewed Dr. Kisby's application for the Board. Dr. McAllister made a motion, seconded by Dr. Welsh, to approve the Academic License of Dr. Kisby. By unanimous vote, the motion carried.

Linda Meyer

Ms. Singh provided an overview of Ms. Meyer's application and the letter she sent to the Division. Ms. Trinkle stated that Ms. Meyer had practiced for over thirty years, had held an active license in another state, and had provided some insight into how her license had lapsed.

Ms. Singh stated that the Board could reinstate her license under Regulation 10.4., which stated:

10.4 Dentistry or dental hygiene candidates, other than dental hygiene candidates who qualify for licensure under 24 Del.C. §1124, must have passed the applicable practical clinical examination within five years of application for licensure in Delaware. The Board reserves the right to waive this requirement for just cause.

After discussion, Dr. Welsh made a motion, seconded by Ms. Trinkle, to reinstate Ms. Meyer's license. By unanimous vote, the motion carried.

Review Hearing Officer Recommendations – none

Review of Consent Agreement

Daniel Fink 09-29-13

Dr. McAllister made a motion, seconded by Ms. Argo, to reject the consent agreement based on insufficient discipline and information. The Board provided suggestions for the consent agreement such as adding a suspension, probation with follow up, limit practice; limit prescription to scheduled medications, and for Dr. Fink to report quarterly to the Board during the one year probation that he had not prescribed controlled substances. The Board also suggested that Dr. Fink be required to petition the Board to lift probation. The Board felt the remedial continuing education as listed in the consent agreement was sufficient. Ms. Singh stated that she would relay the Board's suggestions to the Attorney General's office with the rejection of the consent agreement.

Dentist Appeal Hearing Recommendation – none

Continuing Education Approval

O'Conner Orthodontics, PA/ Charis O'Conner, DMD

Hygiene Lecture – When to Refer to an Orthodontist / Why Space is Important in the Mixed Dentition, 3 CPEs

Dr. McAllister reviewed the application for the Board. After review, Dr. Welsh made a motion, seconded by Dr. Bunting, to approve Hygiene Lecture – When to Refer to an Orthodontist / Why Space is Important in the Mixed Dentition, for 3 CPEs as requested. The motion passed unanimously.

## **COMPLAINT UPDATES**

### **New Complaints**

9-12-14

### **Dismissed by the Division of Professional Regulation**

09-09-13

09-23-13

### **Forwarded to the Office of the Attorney General**

09-09-14

The Board requested more involvement with complaints before complaints were dismissed by the Division. Ms. Jerman explained the new complaint procedure for the Board. She stated that complaints that required scope of practice review would be assigned to a professional member as a Board contact to speak with an investigator.

## **DISCIPLINE AND COMPLIANCE**

### **Marieve O. Rodriguez, D.M.D. – Compliance Update**

Ms. Peer stated that the accounting firm of Nannas, Haines, and Schiavo had been selected to perform the first of five audits of Dr. Rodriguez's records.

## **CORRESPONDENCE**

### **Re-Consideration of Request for Waiver or Extension of Continuing Education Requirements**

#### **Cynthia Minsk, DMD**

Ms. Singh stated that Dr. Minsk had been requesting a waiver since 2008. In reference to Dr. Minsk's request to be redacted from all former Board meeting minutes, Ms. Singh stated that the American Disabilities Act did not speak to confidentiality of condition. Dr. Minsk divulged her condition in an open public session and she had been doing so for years. If Dr. Minsk wanted her condition to remain confidential from the beginning under HIPAA, or if she had wanted her case to be held in executive session, it would not have been made public. After discussion, Dr. Lenz made a motion, seconded by Dr. McAllister, to approve the request for the substitution of journal CPEs in lieu of live CPE's as a reasonable accommodation for her current disability. By majority vote, the motion passed, with Dr. Welsh and Ms. Argo opposed.

### **Steven Waugh, DDS – Inactive or Retired Status Inquiry**

Ms. Singh informed the Board that in order to add an inactive or retired license status the Board would have to create a Bill to be submitted for the 2015 legislative session. Dr. Lenz requested a follow up letter be sent to Dr. Waugh stating that the Board did not currently offer an inactive or retired license option, but because of his suggestion the Board would now look into it offering an inactive or retired license status in the future.

## **OTHER BUSINESS BEFORE THE BOARD**

Dr. McAllister requested the dates for the January 2015 exam. Ms. Peer stated that she would inform the Board of the January 2015 exam dates as soon as they became available.

## **PUBLIC COMMENT**

There was no public comment.

**NEXT MEETING**

The next meeting will be August 21, 2014 at 3:00 p.m. in Conference Room A located on the second floor of the Cannon building at 861 Silver Lake Boulevard, Dover, DE.

**ADJOURNMENT**

There being no further business to discuss, Dr. McAllister made a motion, seconded by Ms. Bruhl, to adjourn the meeting at 5:42 p.m. By unanimous vote, the motion to adjourn carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Flora Peer". The signature is fluid and cursive, with the first name "Flora" written in a larger, more prominent script than the last name "Peer".

Flora Peer  
Administrative Assistant II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.*